

Public Notice – Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (Board) is considering the approval of six Total Maximum Daily Load (TMDL) reports and nine TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate Water Quality Management Plans (WQMPs).

Purpose of notice: The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve six TMDL reports and nine TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: October 12, 2009 to November 10, 2009

Description of proposed action: DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

Affected Waterbodies and Localities:

Potomac River & Shenandoah River Basins:

1. "Gardner, Jackson and Bonum Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Bacteria TMDLs for Occupacia Creek and Farmers Hall Creek Essex County, Virginia"
 - 3 bacteria TMDLs, located in Westmoreland County, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations
2. "Fecal Coliform TMDL for Naked Creek in Augusta and Rockingham Counties, Virginia" *(modification)*
 - 1 bacteria TMDL, located in Rockingham County, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
3. "Bacteria TMDL for Limestone Branch Loudoun County, Virginia" *(modification)*
 - 1 bacteria TMDL, located in Loudoun County, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment

In the James River Basin:

4. "Total Maximum Daily Loads for the Appomattox River Basin, Appomattox, Buckingham, Cumberland, Prince Edward, Amelia, Nottoway, Powhatan, Chesterfield, Dinwiddie, and Prince George Counties and Cities of Petersburg, Colonial Heights, and Hopewell" *(modification)*
 - 20 bacteria TMDLs, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
5. "Total Maximum Daily Load Development for the James River and Tributaries – Lower Piedmont Region" *(modification)*
 - 6 bacteria TMDLs, located in Gouchland and Fluvania Counties, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
6. "Bacterial Total Maximum Daily Load Development for the James River – Hopewell to Westover" *(modification)*
 - 4 bacteria TMDLs, located in Charles City and Prince George Counties and City of Hopewell, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
7. "Bacteria TMDL for Tuckahoe Creek, Little Tuckahoe Creek, Anderson, Broad, Georges and Readers Branches, and Deep Run Henrico, Goochland and Hanover Counties, Virginia" *(modification)*
 - 6 bacteria TMDLs, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment

In the Chesapeake Bay-Small Coastal-Eastern Shore Basin:

8. "Total Maximum Daily Loads of Fecal Coliform for the Restricted Shellfish Harvesting/Growing Areas of the Pocomoke River in the Lower Pocomoke River Basin and Pocomoke Sound Basin in Somerset and Worcester Counties, Maryland and Accomack County, Virginia"
 - 2 bacteria TMDLs, located in Accomack County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations
9. "Total Maximum Daily Loads of Fecal Coliform for the Restricted Shellfish Harvesting/Growing Areas of the Pocomoke River in the Lower Pocomoke River Basin and Pocomoke Sound Basin in Somerset and Worcester Counties, Maryland and Accomack County, Virginia" *(modification)*

- 2 bacteria TMDLs, located in Accomack County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

10. "Owens Pond, Little Taskmakers Creek, and Un-named Tributary to Chesapeake Bay (Big Fleets Pond) Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Impaired Due to Bacteria Contamination

- 3 bacteria TMDLs, located in Northumberland County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

11. "TMDL Report for Chesapeake Bay Shellfish Waters: Oyster Harbor Bacterial Impairment in Northampton County, VA"

- 1 bacteria TMDL, located in Northampton County, proposes bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

12. "TMDL for Fecal Coliform Bacteria in the Lower Piankatank River" (*modification*)

- 3 bacteria TMDLs, located in Middlesex County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

In the Rappahannock River Basin:

13. "Bacteria TMDLs for Occupacia Creek and Farmers Hall Creek Essex County, Virginia"

- 2 bacteria TMDLs, located in Essex County, propose bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments

In the York River Basin:

14. "Total Maximum Daily Load (TMDL) Report for Poropotank River and Adams Creek"

- 2 bacteria TMDLs, located in Gloucester County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

15. "Bacteria Total Maximum Daily Load Development for the Pamunkey River Basin" (*modification*)

- 11 bacteria TMDLs, located in Louisa, Orange, Caroline, Hanover, King William and New Kent Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

David S. Lazarus; Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218

Phone: (804) 698-4299. E-mail: david.lazarus@deq.virginia.gov FAX: (804) 698-4116